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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/577,032

04/20/2006

David Clayton Gantner

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DOW CORNING CORPORATION CO1232  
2200 W. SALZBURG ROAD  
P.O. BOX 994  
MIDLAND, MI 48686-0994

EXAMINER

MAZUMDAR, SONYA

ART UNIT

PAPER NUMBER

1791

NOTIFICATION DATE

DELIVERY MODE

04/16/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents.admin@dowcorning.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/577,032	<b>Applicant(s)</b> GANTNER ET AL.	
	<b>Examiner</b> SONYA MAZUMDAR	<b>Art Unit</b> 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3-5,7 and 19-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-5,7 and 19-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/20/2006, 3/6/2009</u> .                                     | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 3, 4, 5, 7, 19, 25, 27, and 29 rejected under 35 U.S.C. 102(b) as being unpatentable by Colas et al. (EP 0955347).

Colas et al. teach a method of adhering a silicone gel to a substrate, comprising the steps of (abstract):

forming a layer of a silicone gel on a sheet (paragraphs 0028);

treating the silicone gel with a precursor of titanate, platinum, or Si--H containing siloxanes (paragraphs 0016);

applying the silicone gel to a carrier (paragraph 0028);

removing the sheet from the silicone gel (paragraph 0028); and

applying the silicone gel to a substrate to which the silicone gel is adhered to (abstract; paragraph 0015).

With respect to claims 3 and 7, Colas et al. teach using a carrier or prosthesis of various types of plastic films, such as polyurethanes or silicones (paragraph 0012).

With respect to claim 4, Colas et al. teach using a prosthesis (i.e. carrier) of various materials, such as breast prosthesis, incontinence devices, pouches, tubes and other devices (Colas: paragraph 0037; Applicant's specification: paragraph 0017).

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With respect to claim 5, Colas et al. teach applying a silicon gel layer with a thickness in the range of 0.2 mm to 5 mm (paragraph 0023).

With respect to claim 25, Colas et al. teach applying silicone gel with a tack in the range of 50 and 500 g. (paragraph 0024)

With respect to claims 27 and 29, Colas et al. teach applying a precursor, diluted in an organic solvent or silicone, by dipping, spraying, and other various methods (paragraphs 0031 and 0032).

3. Claims 20-24, 26, 28, and 30 rejected under 35 U.S.C. 102(b) as being unpatentable by Colas et al. (EP 0955347).

Colas et al. teach a method of adhering a silicone gel to a substrate, comprising the steps of (abstract):

forming a layer of a silicone gel on a sheet (paragraphs 0028);

treating a carrier by casting a precursor of titanate, platinum, or Si--H containing siloxanes (paragraphs 0016 and 0028);

applying the silicone gel on the sheet to a carrier (paragraph 0038);

removing the sheet from the silicone gel (paragraph 0028); and

applying the silicone gel to a substrate to which the silicone gel is adhered to (abstract; paragraph 0015).

With respect to claims 21 and 24, Colas et al. teach using a carrier or prosthesis of various types of plastic films, such as polyurethanes or silicones (paragraph 0012).

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With respect to claim 22, Colas et al. teach using a prosthesis (i.e. carrier) of various materials, such as breast prosthesis, incontinence devices, pouches, tubes and other devices (Colas: paragraph 0037; Applicant's specification: paragraph 0017).

With respect to claim 23, Colas et al. teach applying a silicon gel layer with a thickness in the range of 0.2 mm to 5 mm (paragraph 0023).

With respect to claim 26, Colas et al. teach applying silicone gel with a tack in the range of 50 and 500 g. (paragraph 0024)

With respect to claims 28 and 30, Colas et al. teach applying a precursor, diluted in an organic solvent or silicone, by dipping, spraying, and other various methods (paragraphs 0031 and 0032).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SONYA MAZUMDAR whose telephone number is (571)272-6019. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Philip Tucker can be reached on (571) 272-1095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SM

/Philip C Tucker/  
Supervisory Patent Examiner, Art Unit 1791